International Seabed Authority ISBA/21/C/7

Council

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Laws, regulations and administrative measures adopted by sponsoring States and other members of the International Seabed Authority with respect to the activities in the Area

Report of the Secretary-General

1. At the seventeenth session of the International Seabed Authority, in 2011, the Council of the Authority adopted a decision in which it requested the Secretary-General to prepare a report on the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to the activities in the Area, and invited sponsoring States and other members of the Authority, as appropriate, to provide information on, or texts of, relevant national laws, regulations and administrative measures to the secretariat (see ISBA/17/C/20).

2. At the eighteenth session of the Authority, in 2012, in response to that request, the Secretary-General presented to the Council a report on the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to the activities in the Area (ISBA/18/C/8 and Add.1). After consideration of the report, the Council requested the Secretary-General to update, on an annual basis, the study of the laws, regulations and administrative measures adopted by sponsoring States and other members of the Authority with respect to activities in the Area, and to invite, for that purpose, sponsoring States and other members of the Authority to provide texts of relevant national laws, regulations and administrative measures to the secretariat (see ISBA/18/C/21).

3. At the nineteenth and twentieth sessions of the Authority, in 2013 and 2014, the Secretary-General presented to the Council updated reports on the matter (ISBA/19/C/12 and ISBA/20/C/11 and Add.1). In addition, the secretariat established an online database of the information on, or texts of, national laws, regulations and administrative measures that sponsoring States and other members of the Authority had submitted.

4. On 12 March 2015, the secretariat circulated a note verbale further inviting sponsoring States and other members of the Authority to submit to the secretariat texts of their relevant national laws, regulations and administrative measures or

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related information. In response to that note, India, Nigeria and Singapore submitted their legislation. Mexico confirmed that no modifications or updates had occurred to its existing legislation with respect to the Area during the period.

5. As at 30 May 2015, the following States had provided information on or texts of relevant national legislation: Belgium, China, Cook Islands, Czech Republic, Fiji, France, Germany, Guyana, India, Japan, Mexico, Nauru, Netherlands, New Zealand, Nigeria, Niue, Oman, Republic of Korea, Singapore, Tonga, United Kingdom of Great British and Northern Ireland, United States of America and Zambia. A submission had also been received from the South Pacific Commission on behalf of the Pacific Islands region. Such information on, or texts of, national laws, regulations and administrative measures submitted by the above-mentioned States or members of the Authority are available on the Authority's website (www.isa.org.jm/national-legislation-database).

6. The secretariat will continue to keep the online database updated as new information is received. The secretariat was unable to complete a comprehensive study of the existing national legislation as scheduled, however, owing to the limited resources available and the need to prioritize other activities. That work will be continued in due course, as resources permit.

7. The Council is invited to take note of the present report.

Annex

List of the legislation

I. General

United Nations Convention on the Law of the Sea, Montego Bay, 10 December 1982. In force 16 November 1994. United Nations *Treaty Series*, vol. 1833, No. 1-31363, p. 397; 21 *International Legal Materials* 1261 (1982).

Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. In force 28 July 1994. General Assembly resolution 48/263; 33 *International Legal Materials* 1309 (1994); United Nations *Treaty Series*, vol. 1836, No. 1-31364, p. 42.

Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Adopted 13 July 2000 (ISBA/6/A/18, annex, dated 4 October 2000), amended in 2013 (ISBA/19/C/17, annex, dated 22 July 2013) and further amended in 2014 (ISBA/20/A/9, annex, dated 24 July 2014).

Regulations on Prospecting and Exploration for Polymetallic Sulphides in the Area. Adopted 7 May 2010 (ISBA/16/A/12/Rev.1, annex, dated 15 November 2010) and amended in 2014 (ISBA/20/A/10, annex, dated 24 July 2014).

Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in the Area. Adopted 27 July 2012 (ISBA/18/A/11, annex, dated 22 October 2012).

II. National legislation

Belgium

30 July 2013 — Act introducing provisions regulating the matters covered by article 77 of the Constitution into the Act of 17 August 2013, on prospecting and exploration for, and exploitation of, resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

17 August 2013 — Act on prospecting and exploration for, and exploitation of, resources of the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.

China

Mineral Resources Law of the People's Republic of China. Adopted at the 15th meeting of the Standing Committee of the Sixth National People's Congress on 19 March 1986. Revised in accordance with the Decision of the Standing Committee of the National People's Congress on Revising the Mineral Resources Law of the People's Republic of China, adopted at the 21st meeting of the Standing Committee of the Eighth National People's Congress on 29 August 1996.

Rules for Implementation of the Mineral Resources Law of the People's Republic of China. Promulgated by Decree No. 152 of the State Council of the People's Republic of China on 26 March 1994. Effective as of the date of promulgation.

Marine Environmental Protection Law of the People's Republic of China. Adopted at the 24th meeting of the Standing Committee of the Fifth National People's Congress on 23 August 1982. Effective as of 1 March 1983. Revised at the 13th meeting of the Standing Committee of the Ninth National People's Congress on 25 December 1999 and further revised at the 6th meeting of the Standing Committee of the Twelfth National People's Congress on 28 December 2013.

Administrative Regulation on the Prevention and Treatment of the Pollution and Damage to the Marine Environment by Marine Engineering Construction Projects. Adopted at the 148th executive meeting of the State Council on 30 August 2006. In force as of 1 November 2006.

Cook Islands

Seabed Minerals Act 2009.

Model Seabed Minerals Agreement of April 2011.

Czech Republic

Prospecting, Exploration for and Exploitation of Mineral Resources from the Seabed beyond Limits of National Jurisdiction. Act No. 158/2000 of 18 May 2000.

Fiji

International Seabed Mineral Management Decree 2013, Decree No. 21.

France

Note verbale dated 22 March 2013 from the Embassy of France in Jamaica.

Germany

Seabed Mining Act of 6 June 1995 (the Act). Amended by article 74 of the Act of 8 December 2010 (*Federal Law Gazette* I, p. 1,864).

Guyana

Maritime Zones Act 2010 — Act No. 18 of 2010. In force as of 18 September 2010.

India

The Offshore Areas Mineral (Development and Regulation) Act 2002.

Japan

Law on Interim Measures for Deep Sea-bed Mining, 1982.

Mining Act. Adopted 20 December 1950. Amended 22 July 2011.

Mexico

Report on the laws, regulations and administrative measures of Mexico on underwater mining. Submitted by the Embassy of Mexico in Jamaica on 21 December 2011.

Guide for the presentation of environmental impact statements for the mining sector and analysis of gaps and omissions in the conservation of marine biodiversity in Mexican oceans, coasts and islands of the Ministry of the Environment and Natural Resources of Mexico. Submitted by the Embassy of Mexico in Jamaica on 21 December 2011.

General Law on Ecological Balance and the Protection of the Environment. *Official Gazette*, 28 January 1988. Reform and update of 4 June 2012.

Regulations of the General Law on Ecological Balance and the Protection of the Environment on Environmental Impact Assessment. *Official Gazette*, 30 May 2000. Reform and update of 26 April 2012.

Mining Law. *Official Gazette*, 26 June 1992. Amended 28 April 2005.

National environmental policy for the sustainable development of Mexico's oceans and coasts: strategies for their conservation and sustainable use (see A/61/372, annex).

Nauru

See Pacific Islands region.

Netherlands

Note verbale dated 26 March 2013 from the Permanent Mission of the Netherlands.

New Zealand

United Nations Convention on the Law of the Sea Act 1996.

Nigeria

Nigerian Minerals and Mining Act, 2007.

Nigerian Minerals and Mining Regulations, 2011.

Niue

Maritime Zones Act 2013.

Oman

Royal Decree No. 2011/8 regulating oil and gas exploration; and Royal Decree No. 2003/27 and Ministerial Decree No. 2011/77 regulating mineral exploration (Regulations of the Mining Act).

Pacific Islands region

Pacific-ACP States Regional Legislative and Regulatory Framework for Deep Sea Minerals Exploration and Exploitation. Secretariat of the Pacific Community-European Union Deep Sea Minerals Project, 18 April 2012.

Republic of Korea

Note verbale dated 2 April 2013 from the Permanent Mission of the Republic of Korea.

Status of legislation related to Deep Seabed Activity by the Government of the Republic of Korea.

Singapore

Deep Seabed Mining Act 2015.

Tonga

See Pacific Islands region.

United Kingdom of Great Britain and Northern Ireland

Deep Sea Mining (Temporary Provisions) Act 1981, as amended by Deep Sea Mining Act 2014, effective 14 July 2014.

Zambia

Environmental Protection and Pollution Control Act (No. 12 of 1990); and (Amendment) Act 1999 (No. 12 of 1999) — Cap 204 of the Law of Zambia.

III. Reciprocating States legislation

France. Law on the Exploration and Exploitation of Mineral Resources on the Deep Sea-bed 1981, Law No. 81-1135 of 23 December 1981.

Germany. Act on Interim Regulation of Deep Seabed Mining 1980, dated 16 August 1980 (English translation) (1981). *International Legal Materials*, XX, p. 393.

Italy. Regulations on the Exploration and Exploitation of the Mineral Resources of the Deep Seabed, Law No. 41 of 20 February 1985.

Japan. Law on Interim Measures for Deep Sea-bed Mining, 1982. *International Legal Materials*, 22 (1) (1983), pp. 102-122.

New Zealand. Continental Shelf Act 1964.

Union of Soviet Socialist Republics. [Edict on] Provisional Measures to Regulate the Activity of Soviet Enterprises relating to the Exploration and Exploitation of Mineral Resources of Sea-bed Areas beyond the Limits of the Continental Shelf, 17 April 1982.

United Kingdom. Deep Sea Mining (Temporary Provisions) Act 1981. 1981 chapter 53, 28 July 1981.

United Kingdom. Deep Sea Mining (Exploration Licences) (Applications) Regulations 1982, No. 58. Effective 25 January 1982.

United Kingdom. Deep Sea Mining (Exploration Licences) Regulations 1984, No. 1230. In operation on 3 September 1984.

United States. Deep Seabed Hard Mineral Resources Act, 1980. Public Law 96-283, 28 June 1980, 94 Stat. 553 (30 U.S.C. 1401 et seq.), as amended 1 July 2000.

IV. National legislation of an observer State

United States of America

Deep Seabed Hard Mineral Resources Act, 1980. Public Law 96-283, 28 June 1980, 94 Stat. 553 (30 U.S.C. 1401 et seq.), as amended 1 July 2000.

Deep Seabed Mining Regulations Affecting Pre-enactment Explorers. 45 Fed. Reg. 226 (20 November 1980), pp. 76661-76663.

Deep Seabed Mining Regulations for Exploration Licenses 1980. 46 Fed. Reg. 45896 (15 September 1981); 15 Code of Federal Regulations, Part 970.

Deep Seabed Mining Regulations for Commercial Recovery Permits, 54 Fed. Reg. 525 (6 January 1989); 15 Code of Federal Regulations, Part 971.

Guidelines for Obtaining Minerals other than Oil, Gas and Sulphur on the Outer Continental Shelf of the United States Department of the Interior, Minerals Management Service (MMS) (Public Law 103-426, enacted 31 October 1994; 108 Stat. 4371). OCS Report. MMS 99-0070 (December 1999).